

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DeKOVEN A. JOHNSON,

Plaintiff,

Case No. 20-cv-12978
Hon. Matthew F. Leitman

v.

MARTY RONDY, *et al.*,

Defendants.

ORDER (1) VACATING ORDER TO SHOW CAUSE (ECF No. 5);
(2) DISMISSING ACTION WITHOUT PREJUDICE; AND (3)
TERMINATING APPLICATION TO PROCEED
IN FORMA PAUPERIS (ECF No. 2) AS MOOT

On November 3, 2020, Plaintiff DeKoven A. Johnson filed this action against Defendants Marty Rondy, Tianna Bingham, and Maleta Barrett. (*See* Compl., ECF #1.) In the Complaint, Johnson says that the Defendants are his roommates, and he alleges that they have wrongly accused him of assault. (*See id.* at 1, PageID.1.) He seeks \$7,500.00 in damages. (*See id.*) Johnson has also filed an application to proceed *in forma pauperis* in this action. (*See* Application, ECF No. 2.)

Upon review of Johnson's Complaint, the Court questioned whether it had subject-matter jurisdiction over this action. More specifically, it appeared to the Court that Johnson had (1) failed to plead that Defendants had violated any federal laws or constitutional provisions and (2) failed to plead that he and Defendants were

diverse from one another and that his damages exceeded \$75,000. Accordingly, on December 4, 2020, the Court ordered Johnson to show cause why it should not dismiss his Complaint. (*See* Order, ECF No. 5.) In the alternative, the Court told Johnson that he could file a First Amended Complaint addressing the jurisdictional deficiencies identified in the Court’s order. (*See id.*) The Court directed Johnson to respond to its order by January 15, 2021. (*See id.*, PageID.8.) And it told Johnson that if he did not respond to the order by that date, the Court would “dismiss [his] Complaint without prejudice for lack of jurisdiction.” (*Id.*)

Johnson has not filed any response to the Court’s order. Nor has he asked the Court for additional time to respond to that order. Therefore, **IT IS HEREBY ORDERED** that (1) the Court’s December 4, 2020, order to show cause (ECF No. 5) is **VACATED**; (2) Johnson’s Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE** due to his failure to comply with the Court’s order and his failure to establish this Court’s subject-matter jurisdiction, and (3) Johnson’s application to proceed *in forma pauperis* (ECF No. 3) is **TERMINATED AS MOOT**.

IT IS SO ORDERED.

Dated: February 25, 2021

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 25, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager
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